

**MINUTES OF THE
WILLIAMSON COUNTY REGIONAL PLANNING COMMISSION
MEETING OF JUNE 8, 2006**

MEMBERS PRESENT

Don Crohan
Susan Fisher
John Lackey
Pete Moseley
Robert Medaugh
Tom Murdic
Steve Lane

STAFF PRESENT

Joe Horne, Community Development Director
Mike Matteson, Planning Director
Floyd Heflin, County Engineer
William Andrews, Assistant to the County Engineer
Ann Haines, Planner
Aaron Holmes, Planner
Lee Sanders, Director Codes Compliance
Debbie Smith, Administrative Assistant
Sheila Myers, Planning Assistant
Lori John, Planning Secretary
Jeff Moseley, County Attorney's Office
Ann Shaffer, County Attorney's Office

The Williamson County Regional Planning Commission met in regular session Thursday, June 8, 2006, at 7:00 p.m., in the Auditorium of the Williamson County Administrative Complex. Commissioners Walton, Pratt, Sanders, Lamb and Cain were unable to attend.

Chairman Lackey called the meeting to order.

Mr. Horne made the following announcements:

1. Regarding the Plan Update there will be another series of Community Workshops July 18th, 19th and 20th. Locations should be the same location as last time, Hillsboro Elementary, Grassland and Page Middle, but these locations have not been confirmed.
2. The following items have been withdrawn:
 - Item 20 – Site Plan & Conditional Use Review of Moody's Gradework
 - Item 25 – Breinz Valley, Phase 2 Preliminary Plat
 - Item 30 – Beechwood Plantation, Lots 1-11 Final Plat

CONSIDERATION OF MINUTES:

Chairman Lackey asked for a motion to consider the minutes of the May 11, 2006, meeting. A motion was made by Commissioner Lane to approve, and seconded by Commissioner Murdic. The motion passed unanimously.

CONSENT AGENDA:

Commissioner Lackey stated that Staff asked for Items 2, 3 and 10 to be pulled from Consent for separate consideration.

BONDS:

1. **Addition of Legends Ridge, Section 1** - Performance Bond for Water (City of Franklin) - \$51,000
Recommendation: Extend in the current amount for six (6) months.
2. **Currey Ingram Academy – Performance Bond for Backup Wastewater Treatment System** - \$300,000
Recommendation: NOT ON CONSENT
3. **Currey Ingram Academy – Performance Bond for Wastewater Treatment System** – \$300,000
Recommendation: NOT ON CONSENT

4. **Laurel Hill** – Maintenance Bond for Roads, Drainage and Erosion Control - \$50,000
Recommendation: Extend in the current amount for six (6) months, with the stipulation that the asphalt surface e-mix is placed within this time.
5. **Laurelbrooke, Section 10-B** – Performance Bond for Roads, Drainage and Erosion Control - \$210,000
Recommendation: Extend in the current amount for six (6) months.
6. **Laurelbrooke, Section 11-A** – Performance Bond for Roads, Drainage and Erosion Control - \$65,000
Recommendation: Extend in the current amount for six (6) months.
7. **Leipers Valley** – Performance Bond for Water (HB & TS) - \$79,000
Recommendation: Release performance bond and replace with a maintenance bond that covers both Leipers Valley and Mauldin Woods in the amount for \$19,695 for one (1) year.
8. **Mauldin Woods** – Performance Bond for Water (HB & TS) – \$52,300
Recommendation: Release the bond, (see item 7).
9. **McLemore Farms, Section 2-A** – Maintenance Bond for Roads, Drainage and Erosion Control - \$25,000
Recommendation: Release the bond, pending payment of funds-in-lieu of E-mix in the amount of \$13,000.
10. **Natchez Valley, Section 1** – *Maintenance Bond for Roads, Drainage and Erosion Control - \$75,000*
Recommendation: **NOT ON CONSENT**
11. **River Landing, Section 3** – Performance Bond for Roads, Drainage and Erosion Control - \$90,000
Recommendation: Extend in the current amount for six (6) months.
12. **Saddle Springs Equestrian Center** – Performance Bond for Landscaping – \$20,000
Recommendation: Extend in the current amount for three (3) months.
13. **Saddle Springs, Phase 2A, Section 4** – Performance Bond for Wastewater Treatment System - \$24,638
Recommendation: Extend in the current amount for one (1) year.
14. **St. Matthew's Catholic Church Addition** – Maintenance Bond for Landscaping - \$9,000
Recommendation: Release the bond.
15. **Watkins Creek, Section 3** – Performance Bond for Roads, Drainage and Erosion Control - \$180,000
Recommendation: Reduce to maintenance in the amount of \$125,000 for one (1) year.
16. **Watkins Creek, Section 3** – Maintenance Bond for Water (Milcrofton Utility) - \$14,000
Recommendation: Extend in the current amount for six (6) months.
17. **Watkins Creek, Section 4** – Maintenance Bond for Water (Milcrofton Utility) - \$3,500
Recommendation: Extend in the current amount for six (6) months.

18. Watkins Creek, Section 4 – Performance Bond for Roads, Drainage and Erosion Control

Recommendation: Reduce to maintenance in the amount of \$125,000 for one (1) year.

Final Plats:

29. Stockett Creek, Section 3, located off Vaughn Road – This Final Plat is in order, approval is recommended pending the following:

- a) The posting of a performance bond in the amount of \$180,000 for Roads, Drainage and Erosion Control; and
- b) The posting of performance bonds in the amounts of \$94,000 and \$55,423 for water and sewer improvements respectively, as specified by HVUD.

33. Re-Approval Kings Chapel, Section 2A, located off Murfreesboro Road – Staff recommends approval of this request subject to the conditions outlined in our Staff report dated March 9, 2006 as follows:

- a) Posting of a performance bond in the amount of \$379,000 for roads, drainage and erosion control;
- b) Posting of a performance bond in the amount of \$95,000 in favor of Milcrofton Utility District for water line and fire protection improvements;
- c) Posting of a performance bond in the amount of \$105,200 for the sewer collection system;
- d) Payment of funds in lieu of detention in the amount of \$11,454;
- e) Execution and recording of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements;
- f) Approval of the revised HOA documents by the County Attorney; and
- g) The addition of the following note with respect to lots deemed critical due to slopes – “Prior to permitting, all denoted lots shall provide a geotechnical assessment due to slope and/or colluvial soil conditions. Additionally, engineered footings and inspection reports will be required for these lots”.

Commissioner Murdic made a motion to accept Staff's recommendation of the items on the Consent Agenda. Commissioner Crohan seconded the motion, which passed by unanimous vote.

ITEM 2

CURREY INGRAM ACADEMY PERFORMANCE BOND FOR BACKUP WASTEWATER TREATMENT SYSTEM LOCATED OFF MURRAY LANE

Mr. Horne reviewed the background (see Staff report), recommending that:

That the performance bond for the wastewater treatment system be extended in the current amount of \$300,000 for a period of one (1) year.

The applicant had requested that this bond be reduced. However, it does not appear that the requirements (3 years past 80% build-out) have been achieved.

Commissioner Lane wanted to know how you achieve 80% build out in this type of project.

Mr. Horne noted that the 80% mimicked the percentage in the Subdivision Regulations.

Commissioner Lane stated that maybe how non-residential bonds are looked at needs to be addressed by the Wastewater Authority.

Mr. Horne noted that the 80% build-out was based on the policy in the Subdivision Regulations as it pertains to converting from performance to maintenance bonds. However, as 80% of non-residential build-out is more difficult to ascertain, a re-consideration of this policy by the Wasterwater Authority may be appropriate.

Chairman Lackey stated that this could be done.

There being no other comments, Commissioner Moseley made a motion to accept and approve Staff's recommendation. Commissioner Crohan seconded the motion. The motion passed unanimously.

ITEM 3

CURREY INGRAM ACADEMY PERFORMANCE BOND FOR WASTEWATER TREATMENT SYSTEM LOCATED OFF MURRAY LANE

Mr. Horne reviewed the background (see Staff report), recommending the following:

That the performance bond for the wastewater treatment system be extended in the current amount of \$300,000 for a period of one (1) year.

Commissioner Lane made a motion to accept and approve Staff's recommendation. Commissioner Murdic seconded the motion. The motion passed unanimously.

ITEM 10

NATCHEZ VALLEY, SECTION 1 MAINTENANCE BOND FOR ROADS, DRAINAGE AND EROSION CONTROL LOCATED OFF COTTON LANE

Mr. Andrews stated that due to the lack of effort on the developer's part to repair deficiencies this bond should be called. He was informed this afternoon that a representative of the developer would be at meeting to speak.

Mr. David Langhans, who was the original owner and has recently taken this bond over from the previous developer to finish this project, stated he did not know that this bond was going to be called. He currently has someone working on filling ditches with dirt and is waiting on Tennessee Valley Paving Company, whom they have a contract with to pave the streets. He stated he met with Mr. Andrews to discuss this and that they have been in discussion with two different contractors, and finally today one contractor began work.

Chairman Lackey inquired as to how long he would need to finish this.

Mr. Langhans stated that the paving is what is going to take time. He talked with Tennessee Valley Paving Company and they couldn't give him a definite date as to when they would be able to do this job. He informed them he was ready whenever they could get there. The dirt will be there the week of June 12 and graded back.

Again Chairman Lackey asked how long it would take him.

Mr. Langhans stated that it would probably be about 3 to 6 months.

Chairman Lackey asked how long he had been trying to get this done.

Mr. Langhans stated that it was probably in the fall and they could not do anything due to the weather and the water in the ditches. He had to wait for it to dry up. He stated that since he took back over he has been on top of this project trying to get it completed in the last 6 months. He just needs a little more time.

Chairman Lackey asked Mr. Andrews what was the problem with this project.

Mr. Andrews stated that there is some severe erosion in the road side ditches and serious drainage problems associated with this. Additionally, surface mix has not been placed. These are the two most serious issues. His main problem has been that he could not get anyone to do anything to correct these problems so he had no other course than to recommend calling the bond.

Chairman Lackey wanted to know if the applicant had been informed of these issues and Mr. Andrews stated that he had.

Mr. Andrews also noted that the original expiration date of the bond is July 16.

Commissioner Lane moved to extend the bond until the meeting of July 13 to make improvements and if this was not done, then the bond should be called. Commissioner Crohan seconded the motion. The motion passed unanimously.

PUBLIC HEARINGS:

ITEM 19

AMENDMENTS TO THE WILLIAMSON COUNTY ZONING ORDINANCE REGARDING TEMPORARY SIGNS

Mr. Horne reviewed the background (see Staff report), recommending this be forwarded to the County Commission for adoption pending the insertion of an effective date of 15 August '06.

Chairman Lackey asked for comments and thoughts.

Commissioner Moseley asked what type of signs this ordinance was addressing.

Mr. Sanders, Codes Compliance Director, stated political signs, as well as all other temporary signs in the right-of-way (excluded by this amendment would be signs placed by a government entity such as road signs, highway signs, etc.)

Commissioner Lane wanted to know if you have a private contractor doing work on the government's behalf how that is affected.

Mr. Sanders asked if he meant such as road work signs for safety purposes

Commissioner Lane stated that these contractors may or may not be working for the government. He stated the amendment read as if this must be owned by a government entity and he felt this needed to be addressed in the amendment.

Commissioner Fisher wanted to know if government entities would also include schools and libraries.

Commissioner Crohan asked about real estate pointer signs. He understood that the regulation for corner pointer signs was that there was only one allowed and asked if this is still correct

Mr. Sanders stated that this had not changed except that the sign would now have to be on private property. He noted that these regulations were developed at the direction of the County Commission due to proliferation of political signs.

Chairman Lackey stated that this would clear up a lot of issues.

Mr. Sanders stated that this amendment is for sign codes as administered in the Unincorporated County.

Commissioner Lane wanted to know if this would include signs such as a lost cat sign, etc.

Mr. Sanders stated it would.

Chairman Lackey opened Public Hearing.

Clarence Johnson, 8960 Horton Highway, stated he would have a problem with not being able to have directional signs for real estate properties for sale, especially for open houses. If this were outlawed then they would have to go to the property owner to get permission to put the sign on their property. The Williamson County Association of Realtors has worked with the Williamson County Codes Compliance Department in order to address the problem of too many directional signs on corners. He believes that everyone is in compliance with this law now and he has a real problem with this new amendment.

Chairman Lackey asked if anyone else wished to speak. There being no others wishing to speak, Chairman Lackey closed the public hearing.

Commissioner Murdic stated that state law allows for state polling signage and wanted to know from the County Attorney if this amendment would conflict with state election law.

County Attorney, Jeff Moseley, stated that he has looked into this and that it would not be in conflict with state law. The state law addresses the 100 yard boundary for activities on the property but the County still controls the property and sign placement. The County would still allow poll workers to hold signs because this is their right. The reason for some of the little questions that the commissioners have had is because constitutionally it can not be content specific, in other words, you could not have an amendment addressing only political signs or you get into a higher level of scrutiny

Commissioner Medaugh stated he felt it was excessive to limit signs for lost animals but he understood you could not make exceptions.

Commissioner Lane stated he wanted to be sure he understood correctly that the Planning Commission was voting on a Resolution from the County Commission primarily due to the placing of political signs in the road right of way.

Mr. Sanders stated that this was the original intent, but as Mr. Moseley said, you can not have an amendment addressing only political signs. It must address all signs in the road right-of-way.

There being no other comments, Commissioner Murdic made a motion to accept and approve Staff's recommendation. Commissioner Crohan seconded the motion. The motion passed with only Commissioner Medaugh voting 'No'.

ITEM 20

SITE PLAN & CONDITIONAL USE REVIEW FOR MOODY'S GRADE WORK, A RESIDENTIAL BUSINESS LOCATED AT 4027 CLOVERCROFT ROAD IN THE 4TH VOTING DISTRICT

Withdrawn

ITEM 21

SITE PLAN & CONDITIONAL USE REVIEW FOR MCINTYRE CABINET SHOP, A RESIDENTIAL BUSINESS ON 5.75 ACRES LOCATED AT 5001 ASH HILL LANE IN THE 3RD VOTING DISTRICT

Mr. Holmes reviewed the background (see Staff report), recommending approval subject to the following:

1. All signage be approved per Ordinance requirements; and
2. Completion of an Affidavit of Compliance to ensure continued adherence to Section 4520 M of the Williamson County Zoning Ordinance and the approved site plan.

Mr. Holmes also noted that a letter from Commissioner Hayes was received regarding concerns from neighbors about this use proposal.

Chairman Lackey opened the public hearing.

Daniel McIntyre (applicant), 5001 Ash Hill Lane, stated the reason for this proposal was he recently obtained a state contractors license as a residential builder. He is requesting an occasional use of his garage for projects that are incidental to his residential building projects. It will not be a constant use, no signs will be used, no additional employees, and this should not affect traffic at all.

Tony Kimball, 5015 Ash Hill Road, wanted to be sure that if Mr. McIntyre wanted to put up a sign or build another building that he would have to go through the Planning Commission again.

Chairman Lackey stated he would.

Judy Martin, 4974 Ash Hill Road, stated her concerns were if his business could expand and if he were to move would the license extend to someone else.

Chairman Lackey stated that if he changes his operation of this business he would have to come back before the Planning Commission. He also stated that the license was for the individual not for the property, so it could not be extended to future owners.

Ms. Martin was also concerned about clutter and debris outside the home and if he would be using chemicals that would travel through the air.

There being no one else wishing to speak, Chairman Lackey closed the public hearing.

Commissioner Crohan wanted to know where left over material would be stored.

Mr. McIntyre responded he did not use a spray gun for chemicals. He stated new materials would not be stored outside. He also stated that he did sometimes store scrap material outside which he keeps covered. He stated if the neighbors have a problem with this he would be glad to get this cleaned up as quickly as possible.

Chairman Lackey explained to Mr. McIntyre per ordinance requirements no goods, materials or equipment relevant to the business shall be externally visible. So getting this material cleaned up is not just an option.

Mr. McIntyre stated he would comply with this.

There being no other comments, Commissioner Lane made a motion to accept and approve Staff's recommendation. Commissioner Murdic seconded the motion. The motion passed unanimously.

NON-RESIDENTIAL SITE PLAN:

ITEM 22

REVISED SITE PLAN REVIEW FOR ST. IGNATIUS ORTHODOX CHURCH ON 22.29 ACRES LOCATED AT 4671 PEYTONSVILLE ROAD IN THE 3RD VOTING DISTRICT

Mr. Holmes reviewed the background (see Staff report), recommending approval of the request to allow the properties to be combined prior to the issuance of a Building Permit rather than prior to the issuance of a Land Disturbance Permit.

Commissioner Crohan wanted to know what the reason was for waiting for the building permit rather than to do it now.

Mr. Heflin stated that applicant wants to get a Land Disturbance Permit so they can go ahead and move their parking lot to have room to work on the new building.

There being no other comments, Commissioner Lane made a motion to accept and approve Staff's recommendation. Commissioner Moseley seconded the motion. The motion passed unanimously.

SKETCH PLAN:

ITEM 23

DELTA SPRINGS, CONTAINING 36 LOTS ON 61.70 ACRES LOCATED OFF S. CAROTHERS ROAD IN THE 4TH VOTING DISTRICT

Mr. Matteson reviewed the background (see Staff report), the following items will need to be addressed with future submittals:

The Preliminary Plat must address the following:

1. Submission of road (on-and off-site), drainage and erosion control plans for review/approval by the County Engineer. Such would include the deceleration taper within the South Carothers Road right-of-way;
2. Submission of water plans for review and approval by Milcrofton Utility District;

3. Submission of written evidence of TDEC approval for the removal of the existing farm pond; and
4. Identification of critical lots demonstrating protection of the requisite percentage of natural resources.

The Final Plat must address the following:

1. Prior to consideration of final plat approval, the applicant shall submit HOA documents for review and approval by the County Attorney's office. The approved HOA documents must be recorded prior to the recording of the final plat;
2. Establishment of performance bonds for roads, drainage, and erosion control;
3. Establishment of a performance bond for water improvements in favor of Milcrofton Utility District;
4. Submission of landscaping plans and establishment of appropriate performance bonds for landscaping;
5. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements;
6. Final approval of septic systems for each lot from the Williamson County Department of Sewage Disposal Management; and
7. Dedication of right-of-way 30 feet off centerline of South Carothers Road.

Mr. Matteson stated that Staff has now received septic approval from Department of Sewage Disposal Management. Staff has also received verbal comments from the City of Franklin. They expressed concerns about the use of septic systems in the Urban Growth Boundary. While they indicated the proposed lot size and density was consistent with their land use plan, they recommended a greater setback distance from South Carothers Road. Mr. Matteson also stated that it was his understanding that the City of Franklin would be considering first reading of an ordinance for the annexation of this property at their June 13 meeting.

Commissioner Lane would like to see sewer easements placed along back property lines for future public sewer extension.

Chairman Lackey agreed this was a good idea, but how could you define it more accurately without doing a sewer layout.

Commissioner Lane stated that the back of the lots, where you have drainage easements, would be a possibility.

Chairman Lackey wanted to know how close this was to sewer.

Commissioner Lane stated it was not too close, but that it is in the area being evaluated for future sewer availability.

Chairman Lackey stated that he did not think a requirement that the applicant provide an easement for future sewer service based on the layout is an unreasonable request, especially considering the City of Franklin's Staff comments.

This item required no vote.

PRELIMINARY PLATS:

ITEM 24

STARNES CREEK, PHASE 1, CONTAINING 33 LOTS ON 60.84 ACRES LOCATED OFF ARNO ROAD IN THE 4TH VOTING DISTRICT

Mr. Matteson reviewed the background (see Staff report), recommending that pending approval by the Highway Commission of turn lane improvements within the Arno Road right-of-way, Staff recommends approval of this preliminary plat with the following items to be addressed prior to Final Plat consideration:

1. Prior to final plat submittal, construction of the wastewater treatment and disposal system shall be completed and approved by TDEC, an operating permit must be issued by TDEC, and certification of construction in accordance with approved plans must be submitted;
2. Submission of HOA documents for review and approval by the County Attorney's office prior to consideration of final plat approval. The approved HOA documents must be recorded prior to the recording of the final plat;
3. Establishment of performance bonds for roads (on-and off-site), drainage, and erosion control;
4. Establishment of performance bond for on-and off-site water improvements in favor of Milcrofton Utility District;
5. Establishment of performance bond for the sewer treatment and collection system as well as the back-up system;
6. Submission of landscaping plans and establishment of appropriate performance bonds for landscaping;
7. Final disposition of the strip of land adjacent to Page High School;
8. Verification of adequate abandonment and closure of water wells;
9. Execution of a Stormwater Maintenance Agreement and submission of an Operation and Maintenance Plan for stormwater improvements; and
10. Dedication of right-of-way 42 feet off centerline of Arno Road and 30 feet off centerline of Meeks Road.

Mr. Matteson added that the Highway Commission met on June 7 and approved the turn lane improvements within the Arno Road right-of-way. In addition to the deceleration lane, the approval did include a left turn lane. The design of that left turn lane would need to be approved by Staff prior to final plat approval.

Chairman Lackey asked if what the County Highway Department approved was consistent with what was submitted on the plat.

Mr. Matteson stated that the plat showed the deceleration lane but does not yet show the left turn lane. The Highway Commission is requiring both.

There being no other comments, Commissioner Murdic made a motion to accept and approve Staff's recommendation. Commissioner Moseley seconded the motion. The motion passed unanimously.

ITEM 25

BRIENZ VALLEY, PHASE 2, CONTAINING 9 LOTS ON 15.06 ACRES LOCATED OFF LEWISBURG PIKE IN THE 3RD VOTING DISTRICT

Withdrawn

Chairman Lackey called for a five minute break.

ITEM 26

OWENDALE, CONTAINING 13 LOTS ON 71.38 ACRES LOCATED OFF OWEN HILL ROAD IN THE 3RD VOTING DISTRICT

Mr. Matteson reviewed the background (see Staff report), recommending approval of the preliminary plat. In conjunction with final plat consideration, the following items will need to be addressed:

1. Establishment of performance bonds for roads, drainage, and erosion control;
2. Establishment of a performance bond for water improvements in favor of Milcrofton Utility District;
3. Submission of landscaping plans and establishment of appropriate performance bonds for landscaping;
4. Establishment of amount for funds in lieu of detention;
5. Final approval of septic systems for each lot from the Williamson County Department of Sewage Disposal Management; and
6. Dedication of right-of-way 30 feet off centerline of Owen Hill Road.

There being no comments, Commissioner Murdic made a motion to accept and approve Staff's recommendation. Commissioner Medaugh seconded the motion. The motion passed unanimously.

FINAL PLATS:

ITEM 27

GARRISON SPRING ESTATES, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 10 LOTS ON 201.82 ACRES LOCATED OFF GARRISON ROAD IN THE 2ND VOTING DISTRICT

Ms. Haines reviewed the background (see Staff report), noting that the Department of Sewage Disposal Management has approved the septic locations and the County Highway Department has approved the road way access points. Staff would recommend approval of this request subject to:

1. Inclusion of addresses for all proposed lots and signature by Information Services;
2. Signature by Emergency Management approving the street name;
3. Adjustment of the building envelope to exclude the septic areas from the building envelope for proposed lot #8; and

4. A note on the plat stating: "If total land disturbance exceeds one (1) acre and requires a Notice of Coverage from the State Division of Water Pollution Control; notice of coverage will be required for each lot prior to the issuance of a Land Disturbance Permit."

Commissioner Medaugh stated that lots 4 and 5 appear to be flag lots.

Ms. Haines stated that even though they look like flag lots that they do have the required 200' of road frontage.

There being no other comments, Commissioner Murdic made a motion to accept and approve Staff's recommendation. Commissioner Medaugh seconded the motion. The motion passed unanimously.

ITEM 28

REVISED STOCKETT CREEK, SECTION 1, CONTAINING 26 LOTS ON 36.48 ACRES LOCATED OFF VAUGHN ROAD IN THE 8TH VOTING DISTRICT

Mr. Horne reviewed the background (see Staff report), recommending the approval of the revised plat.

There being no other comments, Commissioner Lane made a motion to accept and approve Staff's recommendation. Commissioner Murdic seconded the motion. The motion passed unanimously.

ITEM 29

STOCKETT CREEK, SECTION 3, CONTAINING 16 LOTS ON 24.36 ACRES LOCATED OFF VAUGHN ROAD IN THE 8TH VOTING DISTRICT

Part of Consent Agenda

ITEM 30

BEECHWOOD PLANTATION, LOTS 1-11, CONTAINING 11 LOTS ON 113.96 ACRES LOCATED OFF BAILEY ROAD IN THE 2ND VOTING DISTRICT

Withdrawn

ITEM 31

BEECHWOOD PLANTATION, LOTS 12-22, CONTAINING 11 LOTS ON 166.65 ACRES LOCATED OFF BAILEY ROAD IN THE 2ND VOTING DISTRICT

Ms. Haines reviewed the background (see Staff report), noting that HB & TS Utility District did respond with a contract and did establish a bond amount. Additionally the roadway entrances have been approved by the County Highway Department.

Due to the number of outstanding issues, a deferral is recommended at this time. However, if the Planning Commission chooses to approve this request, Staff recommended approval subject to approval of the septic systems by the Department of Sewage Disposal Management and the following conditions:

1. Define the Recreational Trail Easement with bearings and distances;
2. All of the items noted as unaddressed in the Staff report;

3. Posting of a performance bond in the amount of \$128,000 in favor of HB & TS Utility District for installation of water lines and improvements; and
4. Add a note to the face of the plat: "If total land disturbance exceeds one (1) acre and requires a Notice of Coverage from the State Division of Water Pollution Control; notice of coverage will be required for each lot prior to issuance of a Land Disturbance Permit."

Chairman Lackey wanted to know if the only outstanding issue was the bearings and distances and the subsequent approval of Sewage Disposal Management.

Ms. Haines stated this was correct.

Joe Petrosky, representing the developer, stated that he and Davis Lamb (also representing the developer) had no problem with the Staff comments. The primary focus of having this plat submittal was in order to continue with the Land Disturbance Permit. They have received their Notice of Coverage from the Tennessee Department of Environment & Conservation. They also have their ARAP Permit which has been supplied to Mr. Heflin. They want to start grading and understood that a plat was required.

Mr. Lamb stated that he wanted to clarify that they were following the Ordinance as far as the number of driveways on each easement. One of the comments from Staff referred to "limited to five lots" and when they met with the County Highway Department there may be some areas, due to the curve cut on Bailey Road, where it may be better to tie those into private drives and he is concerned about the language.

Mr. Horne stated that if you have road frontage theoretically you have your access. Obviously cutting the public road as few times as possible is preferable. What Staff wants to know is how each of these lots will be accessed. He also stated the Staff has revised the recommendation to approval contingent upon items one, two, three and four being met.

Mr. Heflin asked to change some of the language on number four to say "notice of coverage" instead of "individual notices of coverage".

Chairman Lackey noted the amendment to number four.

Mr. Petrosky stated that the Tennessee Department of Environment & Conservation asked them to incorporate the Land Disturbance to include houses, driveways and septic fields in their notice of coverage as a stipulation of approval.

Mr. Heflin stated that if a developer were building on a lot, they could use the same notice of coverage. However, if another person comes in on the lot as a separate entity they would have to get added on.

Commissioner Crohan asked about the reason that the Department of Sewage Disposal Management would not sign off on this plat at this point.

Chairman Lackey stated that the reason was because of the lack of bearings and distances on the recreational trail easement and they were opposed to the generic easement that was started when developer did not have the bearings and distances defined.

Mr. Horne stated that Staff was caught by surprise by the proposed equestrian easements. Mr. Horne stated he brought up the blanket easement to try to solve the problem. When this was discussed with the Department of Sewage Disposal Management they felt this was not a good idea.

Chairman Lackey wanted to confirm that the only problem the Department of Sewage Disposal Management has is the locking down of these easements.

Mr. Horne stated that this was correct.

Commissioner Crohan wanted to know what would happen if the Planning Commission approves this plat prior to the Department of Sewage Disposal Management's approval.

Mr. Horne stated that even if the Planning Commission does approve this plat, it cannot go to record until all departments execute the plat. The developers can confirm with the Department of Sewage Disposal Management where these easements need to be.

Commissioner Crohan asked if this would come back before Planning Commission if the Department of Sewage Disposal Management does not approve the plat.

Mr. Horne stated that it would.

There being no other comments, Commissioner Murdic moved for approval subject to the Department of Sewage Disposal Management's approval of septic systems and Staff's recommendations one, two, three and four as amended. Commissioner Lane seconded the motion. The motion passed unanimously.

ITEM 32

OVERALL CREEK FARMS, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 2 LOTS ON 17.76 ACRES LOCATED OFF HORTON HIGHWAY IN THE 3RD VOTING DISTRICT

Ms. Haines reviewed the background (see Staff report), noting that the Department of Sewage Disposal Management has approved this request.

Staff recommends approval of this request.

There being no comments, Commissioner Murdic made a motion to accept and approve Staff's recommendation. Commissioner Crohan seconded the motion. The motion passed unanimously.

ITEM 33

RE-APPROVAL KINGS CHAPEL, SECTION 2A, CONTAINING 21 LOTS ON 22.02 ACRES LOCATED OFF MURFREESBORO ROAD IN THE 5TH VOTING DISTRICT

Part of Consent Agenda

ITEM 34

HILMON ESTATES, LARGE LOT EASEMENT SUBDIVISION, CONTAINING 5 LOTS ON 82.24 ACRES LOCATED OFF MCCANDLESS ROAD IN THE 5TH VOTING DISTRICT

Ms. Haines reviewed the background (see Staff report), noting that the Department of Sewage Disposal Management has approved this request.

Staff would recommend approval of this request subject to:

1. Obtaining an ARAP (Aquatic Resource Alteration Permit) for proposed lot #5; and
2. Provide a note on the face of the plat. ““If the total land disturbance exceeds one (1) acre and requires a Notice of Coverage from the State Division of Water Pollution Control; notice of coverage will be required for each lot prior to issuance of a Land Disturbance Permit.”

There being no comments, Commissioner Murdic made a motion to accept and approve Staff's recommendation. Commissioner Lane seconded the motion. The motion passed unanimously.

CONCEPT PLAN:

ITEM 35

COVENTRY, CONTAINING 130 LOTS ON 163.92 ACRES LOCATED OFF WILSON PIKE IN THE 4TH VOTING DISTRICT

Mr. Matteson reviewed the background (see Staff report). Mr. Matteson stated that an email was sent from a concerned citizen regarding safety issues on Wilson Pike. Also Staff has received some preliminary comments from the City of Franklin Staff expressing concerns about the use of on-site sewer treatment plant in the Urban Growth Boundary. They indicated that the City is conducting a study of the Mayes Creek Drainage Basin. They also indicated that the lot size and density is consistent with the City of Franklin's Land Use Plan. Mr. Matteson indicated that the City of Franklin will be considering first reading of an ordinance to annex the property at their meeting on June 13.

Chairman Lackey asked the County Attorney if there is any vesting for the Planning Commission to be considering this project given the fact that the City of Franklin is considering annexing this property.

Ms. Shafer stated that consideration of a concept plan does not vest this project.

David Coode, Lose & Associates, representing the developers, Turnberry Homes, stated that they were in a quandary as to how to facilitate this project between the City of Franklin and the County. He stated that they have met with the City, walked the property with the City and discussed land design with the City. During this time, other projects within the City Limits had been turned down and the City was talking about de-annexing property within this general region. The process to go through a plan with the City would be an annexation, a rezoning, and a PUD or an alternative plan, which would take 9 months to a year to get an answer from the City. The developer wanted to do a project that fit within the development plan of the County, and also fit within the guidelines and general compliance with the City in this area and get some response back from the City as to what their intentions were. He stated that they had discussions with County Staff and looked at doing a concept plan. He also stated that there have been concerns expressed by County residents on projects taking place and being annexed into the City of Franklin and they wanted to make sure they had the ability to address some of the concerns with the County Commissioners and County residents. This is the reason for the developer bringing this plan before the Planning Commission to get feedback on this concept plan, not a recommendation. He also stated that he had heard verbally that the City was now considering annexation of this property, but he had not received any written notification or verification of this fact. Part of this is to also see what the City's intentions are because at this time they do not know.

Mr. Coode stated he would like for the Planning Commission to look at this plan. He believes it is a wonderful plan that would preserve over 30% of the natural wooded hillsides and buffering from the adjacent subdivision which is in the County. It also preserves Clovercroft Lake, which is now privately held, and would have walking trails to the adjacent subdivisions and the subdivisions within the proximity of this development. The developers are looking at utilizing an on-site sewer system and in most cases these are generally put up front and are highly visible from adjacent property. They are going to create an open space which already exist at the top of a hill within this development and will be preserved and maintained and the only thing you would be able to see is a barn at the top of the hill to handle the pump system itself which is not very large. They do understand the issue with off-site improvements. In doing an analysis for the transportation system they could come up with 64 lots without doing off-site improvements. They do understand the issues with McEwen Drive and Clovercroft Drive, but there is no universal decision on how to rectify the situation. They do know the Wilson Pike realignment is an important issue because of the two underpasses and their property is almost one half of that realignment solution, and that they would actually build the road as part of the solution for the long term. They want to have positive input for all the residents of this County. Whether or not this project is in the City or County, it will affect all the residents and they would like for the Planning Commission to give their thoughts on this project.

Commissioner Moseley stated that the plan seems good but until the roadways are improved by the State extending Wilson Pike from one underpass to the other he did not feel it was a good idea to put another 130 houses on a dead end road that goes nowhere except through a one lane underpass. Even if the developer builds part of the roadway it would still be going nowhere. He stated that we need a more definite timeline from the State as to what is going to happen to Wilson Pike. He also stated that Clovercroft Road and Wilson Pike are in bad shape and getting worse with each new development that is added.

Chairman Lackey asked Mr. Coode if Franklin sewer was across Wilson Pike from this development.

Mr. Coode stated it was but it would take a pump station, which is why the City was talking about de-annexing property in this area and it is why they turned down another project in this area.

Chairman Lackey asked which way the gravity sewer of this property would go.

Mr. Coode stated it would gravity back toward the lake itself and eventually they are talking about a long term pump station that is on the other side of the railroad track that this property would gravity to. They are also talking about doing an overall drainage study.

Chairman Lackey did not believe that an on-site sewer system was a good idea when Franklin sewer was across the road. He also stated that Wilson Pike is a highly traveled road and the number of curb cuts there bothers him. He stated that there had to be a better way of doing this whether it is a single loaded road or some other concept. He also stated he agrees with Commissioner Moseley that the road the developer would build would be connected to nowhere and provide no benefit to the public at this time.

Commissioner Fisher said she also had concerns about the traffic on Wilson Pike and the overload on McEwen Drive and Clovercroft Road.

Mr. Horne stated that according to the Regional Long Range Plan, McEwen was to be under construction by 2008. Wilson Pike has already been improved, primarily on the Brentwood side. The Regional Long Range Plan has Wilson Pike to be complete from Brentwood City Limits to Highway 96 by 2025.

No vote is required on this item.

OTHER BUSINESS:

ITEM 36

CONSIDERATION OF RESOLUTION REGARDING CONDEMNATION

Mr. Horne reviewed the background (see Staff report).

Chairman Lackey asked if there was a reason for the language “expressly discourage”. He felt it should be stronger than that. He felt it should say “would not be recommended by the Planning Commission to the County Commission”.

Mr. Moseley stated that state law would control the authority of the County to do or not do this, so the term “prohibited” or that type of language was not a good idea. They did not want to tie the County’s hands. He also believes Chairman Lackey’s suggestion of “would not be recommended” would be fine.

Mr. Horne stated that the term “expressly discourage” was used because he felt “You should never say never.”

Commissioner Medaugh felt the Resolution need more verbiage.

Chairman Lackey said he understood that there may come a time when condemnation may be used.

Mr. Horne stated he was just concerned that in the future someone could pull this resolution as justification not to condemn where a public purpose was clearly present. He also stated Staff could work through the language.

Commissioner Fisher asked if it could be stated as “strongly discourage”.

Chairman Lackey stated he wants the Resolution to be clear.

Commissioner Crohan motioned for this to go back through Staff and legal counsel with different verbiage making it stronger and brought back next month. Commissioner Fisher seconded the motion. The motion passed unanimously.

ITEM 37

ESTABLISHMENT OF LANDSCAPING BOND AMOUNT FOR FIREFLY VINEYARDS

Mr. Holmes reviewed the background (see Staff report), recommending the establishment of this bond in the amount of \$25,700.00.

Commissioner Murdic made a motion to accept and approve Staff’s recommendation. Commissioner Crohan seconded the motion. The motion passed unanimously.

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There being no further business, the meeting was adjourned at approximately 9:00 p.m.

APPROVED BY A MAJORITY VOTE BY THE WILLIAMSON COUNTY PLANNING COMMISSION ON JULY 13, 2006.

CHAIRMAN JOHN LACKEY